



AF/1647  
IFW

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Svetlana A. Dambinova )  
Serial No.: 09/922,011 ) Art Unit: 1647  
Filed: August 2, 2001 ) Examiner: Rachel Kapust  
For: Rapid Panel of Biomarkers in Laboratory )  
Blood Tests for TIA/Stroke )

**SECOND AMENDMENT AFTER FINAL**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed in the above application on June 23, 2004, and further to the telephone conversation earlier today among the Examiner, Ms. Andres, and the undersigned, please enter the following amendments and consider the following remarks. Applicant wishes to thank the Examiner and Ms. Andres for the helpful conversation, and for their professional attention to this matter.

Amendments to the claims begin on page 2.

Remarks and arguments begin on page 3.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2004.

  
Clark G. Sullivan, Reg. No. 36,942

**REMARKS**

Claims 41-42 and 67-73 are pending after entry of the foregoing amendments. The claims have been amended to indicate that the method measures NR2 peptides in an emergency room setting within 3 hours after stroke onset, and that the measurements are used to diagnose ischemic stroke. Nothing in the prior art cited in the Office Action would have motivated a skilled worker to perform this diagnosis so close to the stroke because none of this prior art teaches that NR2 peptides from the brain would enter the bloodstream and be detectable within merely three hours after stroke onset. Support for the amendments is found on pages 19 and 20 of the specification.

The Office Action cites Dambinova (1997) against the pending claims. However, as discussed during the conference call with the Examiner earlier today, that reference does not disclose that NR2 biomarkers could be used to diagnose stroke a mere three hours after the onset of stroke. Therefore, it is respectfully submitted that the claims as amended are allowable, and a prompt notice of allowance is earnestly solicited.

**CONCLUSION**

Applicant trusts that this communication is fully responsive to the pending Office Action. Should the Examiner have any further questions concerning this matter, the Examiner is invited to contact the undersigned at 404-572-3513. Please grant any additional extension of time required to enter this response and charge any additional fees, or credit any overpayment to Deposit Account No. 11-0980.

Respectfully submitted,



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